

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOHN PHILIP STIRLING,

Case No. 3:20-cv-00712-SB

Petitioner,

ORDER

v.

BOP, SHERIDAN FDC & STAFF, et al.,

Respondents.

SIMON, U.S. District Judge.

Petitioner John Philip Stirling (“Stirling”), an individual in custody at Sheridan Federal Correctional Institution (“Sheridan”), brings this habeas corpus action pursuant to 28 U.S.C. § 2241, alleging he is at increased risk of contracting COVID-19 due to various protocols, or lack thereof, implemented by Sheridan officials.

On May 1, 2020, the Court appointed the Federal Public Defender to represent Stirling (ECF No. 4). Despite the appointment of counsel, Stirling moved *pro se* for a preliminary injunction (ECF No. 7) on May 11, 2020, arguing for immediate injunctive relief in light of the imminent threat posed by his exposure to individuals potentially carrying the COVID-19 virus.

Under Local Rule 83-9(b), a represented party may not appear or act except through his attorney. Stirling filed his motion *pro se* despite his representation by counsel, and therefore the motion is not properly before the Court.

Accordingly, the Court DENIES Stirling's Motion for Preliminary Injunction (ECF No. 7). Stirling may renew the motion through counsel, or request that the Court terminate the appointment of counsel if he prefers to represent himself.

IT IS SO ORDERED.

DATED this 1st day of June, 2020.

/s/ Michael H. Simon
MICHAEL H. SIMON
United States District Judge